

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Carol Lynn Hummer, 2903 Elbridge Street, Philadelphia, PA 19149

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Jason E. Fine, Esquire, J. Fine Law Group
1628 John F. Kennedy Boulevard, Suite 2120
Philadelphia, PA 19103 (267) 888-2960

DEFENDANTS

PA CVS, CVS Pharmacy, One CVS Drive, Woonsocket, RI 02895

County of Residence of First Listed Defendant Providence County RI
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Marc H. Perry, Esquire/Chris Chandler, Esquire Post & Schell
Four Penn Center, 13th Floor, 1600 JFK Blvd,
Philadelphia, PA 19103 (215) 587-1000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. Section 1332

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
50,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
11/14/2017

SIGNATURE OF ATTORNEY OF RECORD
Marc H. Perry, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiffs: **Carol Lynn Hummer, 2903 Elbridge Street, Philadelphia, PA 19149**

Addresses of Defendants: **Pennsylvania CVS Pharmacy, LLC and CVS Pharmacy, Inc., One CVS Drive, Woonsocket, RI**

Place of Accident, incident or Transaction: **Philadelphia, PA**

(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities: Yes **No**

RELATED CASE IF ANY

Case Number: Judge: Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

- | | | | |
|----|---|-----|-----------|
| 1. | Is this case related to property included in an earlier number suit pending or within one year previously terminated action in this court? | Yes | No |
| 2. | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes | No |
| 3. | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? | Yes | No |

CIVIL: (Place an X in ONE CATEGORY ONLY)

- | | |
|--|--|
| A. Federal Question Cases: | B. Diversity Jurisdiction Cases: |
| 1. <input type="checkbox"/> Indemnity Contract, Marine Contract, and All Other Contracts | 1. <input type="checkbox"/> Insurance Contract and Other Contracts |
| 2. <input type="checkbox"/> FELA | 2. <input type="checkbox"/> Airplane Personal Injury |
| 3. <input type="checkbox"/> Jones Act - Personal Injury | 3. <input type="checkbox"/> Assault, Defamation |
| 4. <input type="checkbox"/> Antitrust | 4. <input type="checkbox"/> Marine Personal Injury |
| 5. <input type="checkbox"/> Patent | 5. <input type="checkbox"/> Motor Vehicle Personal Injury |
| 6. <input type="checkbox"/> Labor-Management Relations | 6. <input checked="" type="checkbox"/> Other Personal Injury (Please specify)- Trip and fall |
| 7. <input type="checkbox"/> Civil Rights | 7. <input type="checkbox"/> Products Liability |
| 8. <input type="checkbox"/> Habeas Corpus | 8. <input type="checkbox"/> Products Liability--Asbestos |
| 9. <input type="checkbox"/> Securities Act(s) Cases | 9. <input type="checkbox"/> All other Diversity Cases (Please specify) |
| 10. <input type="checkbox"/> Social Security Review Cases | |
| 11. <input type="checkbox"/> All other Federal Question Cases-Red Cross | |

CERTIFICATION
(Check appropriate category)

I, MARC H. PERRY, ESQUIRE, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(C)(2), that, to the best of my knowledge and belief, the damages recoverable in this civil action may exceed the sum of \$75,000.00 exclusive of interest and cost;

DATE: 11/14/17



MARC H. PERRY, ESQUIRE
Attorney-at-Law

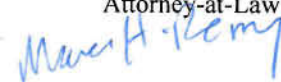
68610

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/14/17

MARC H. PERRY, ESQUIRE
Attorney-at-Law

68610



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

CAROL LYNN HUMMER	:	CIVIL ACTION
	:	
v.	:	
	:	NO.
PENNSYLVANIA CVS PHARMACY, LLC		
AND CVS PHARMACY, INC.		

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

11/14/17
Date

Marc H. Perry, Esquire
Attorney-at-law
Attorney for Defendants

(215) 587-6606
Telephone

(215) 320-4709
FAX Number

E-Mail Address: mperry@postschell.com

(Civ. 660) 10/02

Civil Justice Expense and Delay Reduction Plan
Section 1:03 — Assignment to a Management Track

(a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.

(b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

(c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.

(d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.

(e) Nothing in this Plan is intended to supersede Local Civil Rules 3 or 7, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See § 1.02(e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)

Special management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL. 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See § 0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See § 0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

POST & SCHELL, P.C.
BY: MARC H. PERRY, ESQUIRE
E-MAIL: mperry@postschell.com
I.D. # 68610
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FOUR PENN CENTER, 13TH FLOOR
1600 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PA 19103-2808
215-587-1000

CAROL LYNN HUMMER,

Plaintiff,

v.

PENNSYLVANIA CVS PHARMACY, LLC
and CVS PHARMACY, INC.,

Defendants.

ATTORNEYS FOR DEFENDANTS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

No.

DEFENDANTS, PENNSYLVANIA CVS PHARMACY, LLC AND CVS PHARMACY, INC.'S, PETITION FOR REMOVAL PURSUANT TO 28 U.S.C. §1332 AND U.S.C. §1441

Defendants, Pennsylvania CVS Pharmacy, LLC and CVS Pharmacy, Inc., by and through their attorneys, Post & Schell, P.C., hereby petition to remove the above-captioned action, which is presently in the Court of Common Pleas, Philadelphia County, October Term 2017, No. 999, pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441 *et seq.*, and in support thereof, aver as follows:

I. NATURE OF ACTION

1. This action arises out of an alleged trip and fall accident that occurred on December 6, 2015 outside a CVS store located in Philadelphia, PA. See a true and correct copy of Plaintiffs' Complaint attached hereto as Exhibit "A".

2. Plaintiff is a resident of Pennsylvania with an address of 2903 Elbridge Street, Philadelphia, Pennsylvania 19149. Id.

3. Defendant, Pennsylvania CVS Pharmacy, LLC is a Pennsylvania limited liability company with a business address of 6501 Harbison Avenue, Philadelphia, Pennsylvania. See Affidavit of Melanie Luker attached hereto as Exhibit “B.”

4. The sole managing member of Pennsylvania CVS Pharmacy, LLC is CVS Pharmacy, Inc., who is also a defendant in this action. Id.

5. Defendant, CVS Pharmacy, Inc. is a foreign corporation with a principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895. Id.

6. Plaintiff alleges to have suffered “serious, painful, permanent, and grievous injuries”, which include, but are not limited to, facial injuries, including three (3) lost teeth, and a closed head injury. Plaintiff also alleges to have incurred, *inter alia*, medical and financial expenses, both past and future, and the loss of life’s pleasures. See Exhibit “A” at ¶¶11& 19-24.

7. Plaintiff has also asserted, pursuant to Pennsylvania pleading rules, that she suffered damages in excess of the \$50,000 jurisdictional limits of a Board of Arbitrators. See Exhibit “A.”

II. PROCEDURAL HISTORY

8. On or about October 9, 2017 Plaintiff filed a Complaint in the Philadelphia County Court of Common Pleas. See Exhibit “A.”

9. The Complaint was served on Pennsylvania CVS Pharmacy, LLC via certified mail on October 16, 2017.

10. Pursuant to 28 U.S.C. § 1446(b)(2)(B), Defendants shall have thirty (30) days after service of the Complaint to file a notice of removal.

11. This notice of removal, and related papers, has been filed within thirty (30) days of the date of service of the Complaint on Defendants and is, therefore, timely under 28 U.S.C. § 1446(b).

III. LEGAL ARGUMENT

A. THE ADVERSE PARTIES ARE COMPLETELY DIVERSE

12. Pursuant to 28 U.S.C. § 1332, a matter may be removed to Federal Court based upon the diversity of citizenship of the parties.

13. Complete diversity of citizenship between the parties exists when “every plaintiff [is] of diverse state citizenship from every defendant.” In re Briscoe, 448 F.3d 201, 215 (3d Cir. 2006).

14. A corporation is considered to be a citizen of its state of incorporation and the state where it has its principal place of business. 28 U.S.C. § 1332(c).

15. Under the “nerve center” test adopted by the United States Supreme Court, a corporation’s principal place of business is the headquarters of the corporation, *i.e.* that “place where a corporation’s officers direct, control, and coordinate the corporation’s activities.” Hertz Corp. v. Friend, 559 U.S. 77, 92-93 (2010).

16. As stated above, Plaintiff is a resident of Pennsylvania and CVS Pharmacy, Inc. is a foreign corporation with a principal place of business in Rhode Island.

17. In addition, “the citizenship of an LLC is determined by the citizenship of each of its members.” Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 418 (3d Cir. 2010).

18. Pennsylvania CVS Pharmacy, LLC’s sole managing member is CVS Pharmacy, Inc. As the sole managing member of the LLC, the citizenship of CVS Pharmacy, Inc. (Rhode Island) is used to determine the citizenship of Pennsylvania CVS Pharmacy, LLC.

19. As a result, there is complete diversity of citizenship between the Plaintiff (Pennsylvania) and the Defendants (Rhode Island).

B. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000

20. Under 28 U.S.C. §1332(a), federal jurisdiction based on diversity of citizenship requires that the amount in controversy exceed \$75,000.

21. The amount in controversy is measured by the pecuniary value of the rights being litigated. Hunt v. Washington Apple Advertising Commission, 432 U.S. 333, 347, 53 L. Ed. 2d 383, 97 S. Ct. 2434 (1977).

22. “The amount in controversy is not measured by the low end of an open ended claim, but rather by a reasonable reading of the value of the rights being litigated.” Angus v. Shiley, Inc., 989 F.2d 142, 146 (3d Cir. 1993), citing Hunt v. Washington State Apple Advertising Comm’n., 432 U.S. 333, 347 (1977)[emphasis added].

23. The Court must find that the amount in controversy requirement has been satisfied when a reasonable jury could value the plaintiff’s losses at an amount above the jurisdictional minimum. Id.; see also Corwin Jeep Sales & Service v. American Motors Sales Corp., 670 F. Supp. 591, 596 (M.D. Pa. 1986) (finding amount in controversy requirement met when the court could not “find to a legal certainty that the parties’ respective rights under the franchise agreement are worth less than the jurisdictional minimum.”).

24. In this case, Plaintiff alleges to have suffered “serious, painful, permanent, and grievous injuries”, which include, but are not limited to, facial injuries, including three (3) lost teeth, and a closed head injury. Plaintiff also alleges to have incurred, *inter alia*, medical and financial expenses, both past and future, and the loss of life’s pleasures. See Exhibit “A” at ¶¶11& 19-24.

25. Considering all of these items of claimed recoverable damages, while Defendants dispute Plaintiff's allegations, a reasonable jury could value Plaintiff's losses at an amount in excess of the \$75,000 minimum.

IV. CONCLUSION

26. Therefore, with both the existence of diversity of citizenship between the parties and the amount of controversy threshold having been satisfied, removal is proper under 28 U.S.C. §§ 1332 and 1441.

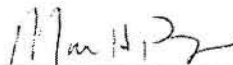
WHEREFORE, Defendants, Pennsylvania CVS Pharmacy, LLC and CVS Pharmacy, Inc., respectfully request that this Honorable Court find this case to have been properly removed and assume full jurisdiction of this matter.

Respectfully submitted,

POST & SCHELL, P.C.

DATED: November 14, 2017

BY:



MARC H. PERRY, ESQUIRE
CHRISTOPHER T. CHANCLER, ESQUIRE
Attorneys for DEFENDANTS

EXHIBIT “A”

CIVIL ACTION COMPLAINT

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
OCTOBER 2017 E-Filing Number: 1710019728 000999	
PLAINTIFF'S NAME CAROL LYNN HUMMER	DEFENDANT'S NAME PENNSYLVANIA CVS PHARMACY, LLC
PLAINTIFF'S ADDRESS 2903 ELBERIDGE STREET PHILADELPHIA PA 19149	DEFENDANT'S ADDRESS ONE CVS DRIVE WOONSOCKET RI 02895
PLAINTIFF'S NAME	DEFENDANT'S NAME CVS PHARMACY, INC.
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 6501 HARBISON AVENUE PHILADELPHIA PA 19149
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2
COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:
CASE TYPE AND CODE 25 - PREMISES LIABILITY, SLIP/FALL	
STATUTORY BASIS FOR CAUSE OF ACTION	
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER) <div style="text-align: center;"> FILED PRO PROTHY OCT 09 2017 K. EDWARDS </div>	
IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>CAROL LYNN HUMMER</u> Papers may be served at the address set forth below.	
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY JASON E. FINE	ADDRESS J FINE LAW GROUP, LLC 1628 JFK BOULEVARD SUITE 2120 PHILADELPHIA PA 19103
PHONE NUMBER (267) 888-2960	FAX NUMBER (267) 687-7018
SUPREME COURT IDENTIFICATION NO. 82452	E-MAIL ADDRESS jason@jfinelaw.com
SIGNATURE OF FILING ATTORNEY OR PARTY JASON FINE	DATE SUBMITTED Monday, October 09, 2017, 11:15 pm

FINAL COPY (Approved by the Prothonotary Clerk)

J. FINE LAW GROUP, P.C.
BY: Jason E. Fine, Esquire
Attorney ID#: 82452
Michelle Mall, Esquire
Attorney ID#: 318100
1628 John F. Kennedy Blvd., Suite 2120
Philadelphia, PA 19103
(267) 888-2960
jason@jfinelaw.com

Attorney for Plaintiff,
CAROL LYNN HUMMER



CAROL LYNN HUMMER
2903 Elberidge Street
Philadelphia, PA 19149

**COURT OF COMMON PLEAS
PHILADELPHIA COUNTY**

Plaintiff,

TERM, 2017

vs.

No.:

PENNSYLVANIA CVS PHARMACY, LLC
One CVS Drive
Woonsocket, RI 02895
and
CVS PHARMACY, INC
6501 Harbison Avenue
Philadelphia, PA 19149

**MAJOR NON-JURY CASE
ASSESSMENT OF DAMAGES
HEARING IS REQUIRED**

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the Claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing it in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without further notice for any money claimed in the complaint or for any other claim or relief by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET NO LEGAL HELP

PHILADELPHIA BAR ASSOCIATION

Lawyer Referral And Information Service

1101 Market Street, 11th Floor

Philadelphia, PA 19121

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las patinas las siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y las notificación. Hace falta asentar una comparencia escrita o a un persona o a un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte suya sin previous

o notificación. Demas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI

TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION

ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFA

Servicio

De Referencia B Information Legal
Market Street, 11th Floor Philadelphia, Pennsylvania 19107

CIVIL ACTION COMPLAINT
2S - PREMISE LIABILITY - SLIP/TRIP & FALL

1. Plaintiff, **CAROL LYNN HUMMER**, is an adult individual residing at 2903 Elbridge Street, Philadelphia, PA 19149.
2. Defendant, **PENNSYLVANIA CVS PHARMACY, LLC**, is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing with a registered office for the acceptance of service or a principal place of business at One CVS Drive, Woonsocket, RI 02895225 W. Washington Street, Indianapolis, IN 46204.
3. Defendant, **CVS PHARMACY** is a business, company, entity, partnership, franchise, fictitious name, proprietorship or corporation existing with a registered office for the acceptance of service or a principal place of business at 6501 Harbison Avenue, Philadelphia, PA 19149.
4. Venue is appropriate in Philadelphia County as all Defendant's, regularly conducts business in Philadelphia County at various locations throughout the Philadelphia area.
5. Venue is appropriate in Philadelphia County pursuant to Pennsylvania Rule of Civil Procedure 2179 and/or Pennsylvania Rule of Civil Procedure 1006(f)(1).
6. Defendants are also subject to the general personal jurisdiction of Philadelphia, as its activities in said county are continuous and substantial pursuant to 42 Pa.C.S.A. 5301, as there are locations within Philadelphia County where each Defendant, actively and regularly conducts business in Philadelphia, Pennsylvania.
7. At all times, relevant and material to this complaint, defendant, **PENNSYLVANIA CVS PHARMACY, LLC**, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives of each other and were acting within the course and scope of

said employment and/or agency, and/or were acting for a common purpose or a joint venture.

8. At all times, relevant and material to this complaint, defendant, CVS PHARMACY, and the employees, agents, servants, managers and/or representatives of said defendant and/or its agencies, were the agents, servants, workmen, employees and/or representatives of each other and were acting within the course and scope of said employment and/or agency, and/or were acting for a common purpose or a joint venture.

9. At all times material and relevant to this complaint, said Defendants, individually, jointly or severally owned, operated, leased, managed, controlled and/or had dominion over the premises located at 6501 Harbison Avenue, Philadelphia, PA 19149.

10. At all times material and relevant to this complaint, said Defendants, individually, jointly or severally, did act through its agents, employees, owners, representative, agents and/or employees while in the course and scope of their employment and/or agency.

11. On or about December 6, 2015, at/around 7:30 a.m., plaintiff, Carol Lynn Hummer, was a business patron lawfully upon the Defendant's premises, when suddenly and without warning, she was caused to trip and fall due a unlevel area in said parking lot, causing her to suffer serious, painful, permanent and grievous injuries.

12. At all times, relevant hereto, said Defendants, individually, jointly and/or severally, owed a duty to repair, maintain, correct, inspect and otherwise be responsible for the aforesaid premises, to provide a safe and hazard-free environment and otherwise be responsible for the care, custody and/or control of the real property so that same would be safe for use by invitees, independent contractors, guests, licensees and/or members of the public, including plaintiff, Carol Lynn Hummer.

13. Defendants, individually, jointly or severally, knew and/or should have known of the said dangerous conditions, and therefore defective conditions, and the likelihood that same

would cause injuries to invitees, guests, independent contractors, licensees and/or members of the public lawfully on the aforesaid premises in the absence of adequate safety measures.

14. At all times material, hereto, the area upon which plaintiff, Carol Lynn Hummer, was walking within Defendant's premises and under their exclusive care, custody and control.

15. The circumstances under which plaintiff, Carol Lynn Hummer, was injured was such that said injuries could not have occurred on said premises except by Defendant's negligence, individually, jointly or severally.

16. The aforesaid accident resulted solely from the negligence and carelessness of said Defendants, individually, jointly or severally, and in no manner whatsoever to any act or failure to act on the part of plaintiff, Carol Lynn Hummer.

COUNT I - NEGLIGENCE
CAROL LYNN HUMMER v. PENNSYLVANIA CVS PHARMACY, LLC

17. Plaintiff, Carol Lynn Hummer, incorporates herein by reference paragraphs one through six-teen (1-16), inclusive, as though same were set forth at length.

18. The negligence and carelessness of said Defendant, Pennsylvania CVS Pharmacy, LLC, in the care, custody or control of the aforementioned premises and walkway area consisted of the following:

- (a) failing to inspect, correct or have corrected, repair or protect from defective and/or hazardous conditions existing in the area used by invitees, independent contractors, licensees, guests and/or members of the public on said Defendant's premises;
- (b) allowing a defective condition, i.e. uneven walkway outside of said store to exist which Defendant knew or should have known created a dangerous condition and hazard to invitees, independent contractors, licensees, guests and/or members

of the public;

- (c) failure to warn invitees, independent contractors, licensees, guests and/or the general public of the dangerous, hazardous and unsafe conditions on said premises;
- (d) failure to take reasonable precautions against the dangerous, hazardous and unsafe conditions on said premises;
- (e) failure to properly and adequately hire and/or instruct the agents, servants, workmen, employees and/or representatives of defendant's herein, as to safe and proper procedures for inspecting, maintaining, cleaning, correcting and repairing a dangerous and defective condition on Defendant's premises, including the defective and/or dangerous conditions which caused plaintiff, Carol Lynn Hummer's injuries;
- (f) failure to provide safe conditions for invitees, independent contractors, guests, licensees and/or members of the general public on the premises;
- (g) failure to act with due care and regard for the position and safety of others, in particular, plaintiff, Carol Lynn Hummer;
- (h) failure to provide and maintain proper supervision of said premises;
- (i) failure to provide and maintain proper safety precautions at said premises;
- (j) failure to respond in a timely manner to an insecure or dangerous condition or situation upon said premises;
- (k) failure to properly maintain and clean after a construction site causing said plaintiff injuries; and
- (l) failure to place safety and/or warning objects upon the Defendant's premises to prevent invitees, independent contractors, licensees, guests and/or the

general public, in particular, plaintiff, Carol Lynn Hummer.

19. As the direct and proximate result of this accident, plaintiff, Carol Lynn Hummer, has suffered injuries which are serious and permanent, including, but not limited to:

- Facial injuries including 3 lost teeth
- Closed Head Injury

as well as various other ills and injuries.

20. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been obligated to receive and undergo medical attention and care for the injuries sustained, and to incur various expenses for said care, and she may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

21. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries she has suffered, and to incur various expenses for said treatment and services, and she may incur various reasonable and necessary future medical expenses from the injuries sustained, and defendant is liable for all of same.

22. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been unable to attend to her daily chores, duties, and occupations, and may be unable to do so for an indefinite time in the future.

23. As a further result of the accident, said plaintiff, Carol Lynn Hummer, has or may continue in the future incur other financial expenses or losses to which she may be otherwise be entitled to recover.

24. As a further result of the accident, plaintiff, Carol Lynn Hummer, has suffered severe physical pain, aches, mental anguish, and humiliation, inconveniences, and loss of life's pleasures, and she may continue to suffer the same for an indefinite time in the future.

WHEREFORE, plaintiff, Carol Lynn Hummer, demands damages of said Defendant, Pennsylvania CVS Pharmacy, LLC, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs, and other relief the Court may deem appropriate.

COUNT II - NEGLIGENCE
CAROL LYNN HUMMER v. CVS PHARMACY

25. Plaintiff, Carol Lynn Hummer, incorporates herein by reference paragraphs one through twenty-four (1-24), inclusive, as though same were set forth at length.

26. The negligence and carelessness of said Defendant, CVS PHARMACY, in the care, custody or control of the aforementioned premises and walkway area consisted of the following:

- (a) failing to inspect, correct or have corrected, repair or protect from defective and/or hazardous conditions existing in the area used by invitees, independent contractors, licensees, guests and/or members of the public on said Defendant's premises;
- (b) allowing a defective condition, i.e. uneven walkway in parking lot area to exist which Defendant knew or should have known created a dangerous condition and hazard to invitees, independent contractors, licensees, guests and/or members of the public;
- (c) failure to warn invitees, independent contractors, licensees, guests and/or the general public of the dangerous, hazardous and unsafe conditions on said premises;
- (d) failure to take reasonable precautions against the dangerous, hazardous and unsafe conditions on said premises;
- (e) failure to properly and adequately hire and/or instruct the agents, servants,

workmen, employees and/or representatives of defendant's herein, as to safe and proper procedures for inspecting, maintaining, cleaning, correcting and repairing a dangerous and defective condition on Defendant's premises, including the defective and/or dangerous conditions which caused plaintiff, Carol Lynn Hummer's injuries;

- (f) failure to provide safe conditions for invitees, independent contractors, guests, licensees and/or members of the general public on the premises;
- (g) failure to act with due care and regard for the position and safety of others, in particular, plaintiff, Carol Lynn Hummer;
- (h) failure to provide and maintain proper supervision of said premises;
- (i) failure to provide and maintain proper safety precautions at said premises;
- (j) failure to respond in a timely manner to an insecure or dangerous condition or situation upon said premises;
- (k) failure to properly maintain and clean after a construction site causing said plaintiff injuries; and
- (l) failure to place safety and/or warning objects upon the Defendant's premises to prevent invitees, independent contractors, licensees, guests and/or the general public, in particular, plaintiff, Carol Lynn Hummer.

29. As the direct and proximate result of this accident, plaintiff, Carol Lynn Hummer, has suffered injuries which are serious and permanent, including, but not limited to:

- Facial injuries including 3 lost teeth
- Closed Head Injury

as well as various other ills and injuries.

30. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been

obligated to receive and undergo medical attention and care for the injuries sustained, and to incur various expenses for said care, and she may be obligated to continue to expend such sums and to incur such expenses for an indefinite period of time in the future.

31. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been obligated to receive and undergo reasonable and necessary medical treatment and rehabilitative services for the injuries she has suffered, and to incur various expenses for said treatment and services, and she may incur various reasonable and necessary future medical expenses from the injuries sustained, and defendant is liable for all of same.

32. As a further result of this accident, plaintiff, Carol Lynn Hummer, has been unable to attend to her daily chores, duties, and occupations, and may be unable to do so for an indefinite time in the future.

33. As a further result of the accident, said plaintiff, Carol Lynn Hummer, has or may continue in the future incur other financial expenses or losses to which she may be otherwise be entitled to recover.

34. As a further result of the accident, plaintiff, Carol Lynn Hummer, has suffered severe physical pain, aches, mental anguish, and humiliation, inconveniences, and loss of life's pleasures, and she may continue to suffer the same for an indefinite time in the future.

WHEREFORE, plaintiff, Carol Lynn Hummer, demands damages of said Defendant, CVS PHARMACY, individually, jointly and/or severally, in a sum in excess of \$50,000.00 plus interest, costs, and other relief the Court may deem appropriate.

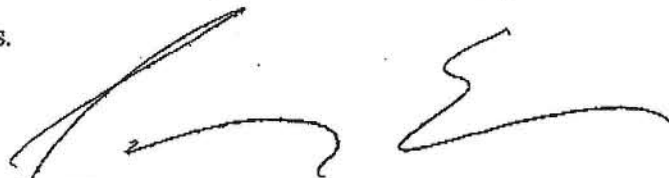
Respectfully submitted,
J. FINE LAW GROUP, P.C.

BY: 

JASON E. FINE, ESQUIRE
Attorney for Plaintiff,
Carol Lynn Hummer

VERIFICATION

I, Jason E. Fine, Esquire, hereby verify that I am counsel for plaintiff, and herein states that the statements in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. I am making this Verification on behalf of plaintiff. I acknowledge that the foregoing Verification is made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'Jason E. Fine', is written over a horizontal line.

Jason E. Fine, Esquire

EXHIBIT “B”

AFFIDAVIT OF MELANIE LUKER

CAROL LYNN HUMMER,

Plaintiff,

v.

PENNSYLVANIA CVS PHARMACY,
L.L.C. and CVS PHARMACY, INC.,

Defendants.

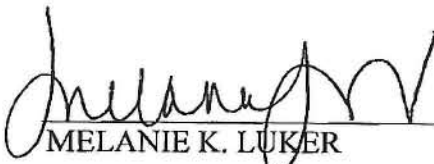
UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

No.

AFFIDAVIT OF MELANIE K. LUKER

BEFORE ME, the undersigned Notary, on this day personally appeared Melanie K. Luker, and being by me first duly sworn, on her oath, states as follows:

1. My name is Melanie K. Luker, I am over the age of twenty-one and have personal knowledge of the information set forth in this Affidavit. This Affidavit is submitted in support of Defendants Pennsylvania CVS Pharmacy, L.L.C. and CVS Pharmacy, Inc.'s Petition for Removal.
2. I am the Manager, Corporate Services of CVS Pharmacy, Inc.
3. At the time of the incident alleged in the Complaint, and presently, CVS Pharmacy, Inc. is a foreign corporation with its principal place of business located at One CVS Drive, Woonsocket, Rhode Island 02895.
4. Pennsylvania CVS Pharmacy, L.L.C. is a Pennsylvania limited liability company with a business address of 6501 Harbison Avenue, Philadelphia, Pennsylvania.
5. CVS Pharmacy, Inc. is the sole managing member of Pennsylvania CVS Pharmacy, L.L.C.


MELANIE K. LUKER

Sworn to before me this
14th the day of November, 2017


NOTARY PUBLIC

Kimberly M. Mitchell
Notary Public
State of Rhode Island
My Commission Expires 06/08/2020

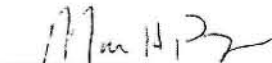
CERTIFICATE OF SERVICE

CHRISTOPHER T. CHANCLER, ESQUIRE hereby states that a true and correct copy of the foregoing Petition for Removal to be electronically filed with the Court and served electronically by the Court upon counsel of record.

POST & SCHELL, P.C.

DATED: November 14, 2017

BY:



MARC H. PERRY, ESQUIRE
CHRISTOPHER T. CHANCLER, ESQUIRE
Attorneys for DEFENDANTS